

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DANIEL J. WIK,

Plaintiff

DECISION AND ORDER

-vs-

11-CV-6220 CJS

ROBERT G. SWAPCEINSKI,

Defendant

Now before the Court is an application by Plaintiff entitled "Motion to Challenge Constitutional Standing." Essentially, Plaintiff maintains that this Court is not a "Constitutional Article 3 Court," and that the undersigned is not "a Judge that ha[s] valid Constitutional standing." There is well-known maxim that anyone who acts as his own lawyer has a fool for a client. Another maxim is that a little learning is a dangerous thing. Superbly illustrating both of these points, Plaintiff makes a number of nonsensical arguments for why this Court is not actually this Court. Plaintiff maintains, for example, that he is entitled to proceed "in the district court of the United States and not the United States District Court."

Plaintiff's application [#28] has no basis in fact or law, and is DENIED. Plaintiff is a *pro se* litigant who has brought several actions in this Court over the past several years, and who should therefore be familiar with Rule 11 of the Federal Rules of Civil Procedure. Plaintiff is hereby cautioned, with regard to this action and the other actions

that he is currently litigating in this Court, that if he continues to file frivolous applications he may be sanctioned pursuant to Rule 11, after notice and an opportunity to be heard. Such sanctions may include monetary penalties and the dismissal of his actions with prejudice, as the Court, in its discretion, may deem necessary to deter such frivolous and vexatious conduct.

So Ordered.

Dated: Rochester, New York
February 16, 2012

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge